

SENATE BILL NO. 1220

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

5812S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapters 34 and 226, RSMo, by adding thereto three new sections relating to standards for public projects.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 34 and 226, RSMo, are amended by adding thereto three new sections, to be known as sections 34.725, 34.730, and 226.1200, to read as follows:

34.725. 1. As used in this section, the following words mean:

(1) "Concrete", structural and nonstructural masonry and ready-mix concrete building products;

(2) "Preference", includes:

(a) A percentage price preference; and

(b) Any other provision that favors the purchase or use of cement that meets the requirements set forth in subsection 2 of this section.

2. Each department responsible for the procurement of concrete shall give consideration and preference to the procurement of a concrete mix design that:

(1) Consists of type 1L cement or an ASTM C595 blended cement with slag cement, fly ash, or natural pozzolan;

(2) Meets specifications set by the American association of state highway and transportation officials; and

18 (3) Meets or exceeds any other engineering performance
19 standards set by the office of administration.

20 3. The office of administration shall adopt
21 regulations to implement this section, including regulations
22 that:

23 (1) Establish guidelines to assist departments in
24 determining which contracts are subject to the requirements
25 of this section; and

26 (2) Provide for the monitoring of the implementation
27 of this section.

28 4. The office of administration shall publish on its
29 website the guidelines established in accordance with
30 subsection 3 of this section.

34.730. 1. As used in this section, unless the
2 context otherwise requires, the following terms mean:

3 (1) "Commissioner", the commissioner of administration;

4 (2) "Eligible material", a material used in the
5 construction of a public project, including:

6 (a) Asphalt and asphalt mixtures;

7 (b) Cement and concrete mixtures;

8 (c) Glass;

9 (d) Post-tension steel;

10 (e) Reinforcing steel;

11 (f) Structural steel; and

12 (g) Wood structural elements;

13 (3) "Greenhouse gas", includes carbon dioxide (CO₂),
14 methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons
15 (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆),
16 and nitrogen trifluoride (NF₃);

17 (4) "Public body", the state of Missouri, any agency
18 or department of the state of Missouri, and any political
19 subdivision;

20 (5) "Public project", any construction, alteration,
21 repair, demolition, or improvement of any land, building,
22 structure, facility, or other public improvement suitable
23 for and intended for use in the promotion of the public
24 health, welfare, or safety and any maintenance programs for
25 the upkeep of such projects for which a public body issues a
26 solicitation on or after January 1, 2024.

27 2. (1) By January 1, 2024, the commissioner of
28 administration shall establish by policy a maximum
29 acceptable global warming potential for each category of
30 eligible materials used in a public project in accordance
31 with the following requirements:

32 (a) The commissioner shall base the maximum acceptable
33 global warming potential on the industry average of global
34 warming potential emissions for that material. The
35 commissioner shall determine the industry average by
36 consulting nationally or internationally recognized
37 databases of environmental product declarations and may
38 include transportation-related emissions as part of the
39 global warming potential emissions.

40 (b) The commissioner shall express the maximum
41 acceptable global warming potential as a number that states
42 the maximum acceptable global warming potential for each
43 category of eligible materials. The global warming
44 potential shall be provided in a manner that is consistent
45 with criteria in an environmental product declaration. The
46 commissioner may establish additional subcategories within
47 each eligible material with distinct maximum acceptable
48 global warming potential limits. The policy may permit
49 maximum acceptable global warming potential for each
50 material category in the aggregate.

51 (2) In establishing a maximum acceptable global
52 warming potential for each category of eligible materials
53 used in a public project, the commissioner may consult with
54 any other relevant department, division, or agency of the
55 state.

56 (3) By January 1, 2026, and every four years
57 thereafter, the commissioner shall review the maximum
58 acceptable global warming potential for each category of
59 eligible materials and may adjust the number for any
60 eligible material to reflect industry conditions. The
61 commissioner shall not adjust the number upward for any
62 eligible material.

63 3. (1) For any solicitation for a contract for the
64 design of a public project, a public body shall require the
65 designer who is awarded the contract to include, in project
66 specifications when final construction documents are
67 released, a current environmental product declaration, type
68 III, as defined by the international organization for
69 standardization standard 14025:2006, or similarly robust
70 life cycle assessment methods that have uniform standards in
71 data collection, as set by policy by the commissioner for
72 each eligible material proposed to be used in the public
73 project that meet the maximum acceptable global warming
74 potential for each category of eligible materials.

75 (2) For any solicitation for a contract for a public
76 project, a public body shall specify the eligible materials
77 that will be used in the project and reasonable minimum
78 usage thresholds below which the requirements of this
79 section shall not apply. The public body may include in a
80 specification for solicitations for a public project a
81 global warming potential for any eligible material that is
82 lower than the maximum acceptable global warming potential

83 for that material as determined pursuant to subsection 2 of
84 this section.

85 (3) A contractor that is awarded a contract for a
86 public project shall not install any eligible materials on
87 the project until the contractor submits an environmental
88 product declaration for that material pursuant to
89 subdivision (1) of this subsection. The environmental
90 product declaration shall be deemed approved if it complies
91 with the original specification required by subdivision (1)
92 of this subsection. If an environmental product declaration
93 is not available for an eligible material, the contractor
94 shall notify the public body and install an alternative
95 eligible material with an environmental product
96 declaration. If a product meeting the maximum acceptable
97 global warming potential for a category of eligible
98 materials is not reasonably priced or is not available to
99 the contractor on a reasonable basis, the public body may
100 waive the requirements of this section for that product.
101 The public body shall report the waivers it awards to the
102 commissioner.

103 4. In administering this section, the commissioner
104 shall strive to achieve a continuous reduction of greenhouse
105 gas emissions over time.

106 5. Beginning in 2026, and in each year thereafter, the
107 commissioner shall prepare a report for the general assembly
108 that includes the following information:

109 (1) For the report prepared in 2026 only, a
110 description of the method that the commissioner used to
111 develop the maximum acceptable global warming potential for
112 each category of eligible materials;

113 (2) What the commissioner has learned about how to
114 identify and quantify embodied carbon in building materials,
115 including life cycle costs; and

116 (3) Any obstacles the commissioner as well as bidding
117 contractors have encountered in identifying and quantifying
118 embodied carbon in building materials.

226.1200. 1. As used in this section, unless the
2 context otherwise requires, the following terms mean:

3 (1) "Department", the department of transportation;

4 (2) "Eligible material", materials used in the
5 construction of a public project, including, but not limited
6 to:

7 (a) Asphalt and asphalt mixtures;

8 (b) Cement and concrete mixtures; and

9 (c) Steel;

10 (3) "Greenhouse gas" has the same meaning as in
11 section 34.730;

12 (4) "Public project", all publicly bid construction
13 projects by the department pertaining to roads, highways, or
14 bridges, or other projects as determined by the department.

15 2. (1) By January 1, 2025, the department shall
16 establish a policy to determine and record greenhouse gas
17 emissions from eligible materials used in a public project
18 with the goal of reducing greenhouse gas emissions in
19 accordance with the following requirements:

20 (a) The department shall use the nationally or
21 internationally recognized databases of environmental
22 product declarations and may include transportation-related
23 emissions as part of the global warming potential emissions;
24 and

25 (b) The department shall develop a tracking and
26 reporting process in a manner that is consistent with

27 criteria in an environmental product declaration. The
28 department may establish additional subcategories within
29 each eligible material with distinct maximum global warming
30 potential limits.

31 (2) In establishing the policy pursuant to this
32 section, the department may consult with any other relevant
33 department, division, or agency of the state.

34 (3) By January 1, 2027, and every four years
35 thereafter, the department shall review the policy created
36 pursuant to this section and may adjust the policy to
37 reflect industry conditions. The department shall not
38 adjust the policy for any eligible material to be less
39 stringent.

40 3. (1) For invitation for bids for contracts for
41 public projects issued on or after August 28, 2025, the
42 department shall require the contractor who is awarded the
43 contract to submit a current environmental product
44 declaration, type III, as defined by the international
45 organization for standardization standard 14025:2006, or
46 similarly robust life cycle assessment methods that have
47 uniform standards in data collection, for each eligible
48 material proposed to be used in the public project.

49 (2) For invitation for bids for contracts for publicly
50 bid public projects issued on or after July 1, 2025, the
51 department of transportation shall specify the eligible
52 materials that will be used in the project based on the
53 policy and reasonable minimum usage thresholds below which
54 the requirements of this section shall not apply.

55 (3) A contractor that is awarded a contract for a
56 public project shall not install any eligible materials on
57 the project until the contractor submits an environmental
58 product declaration for that material pursuant to

59 subdivision (1) of this subsection. The environmental
60 product declaration shall be deemed approved if it complies
61 with the policy established by the department pursuant to
62 this section. If an environmental product declaration is
63 not available for an eligible material, the contractor shall
64 notify the department and install an alternative eligible
65 material with an environmental product declaration. If a
66 product meeting the policy requirements for a category of
67 eligible materials is not reasonably priced or is not
68 available to the contractor on a reasonable basis, the
69 department may waive the requirements of this section for
70 that product.

71 4. In administering this section, the department shall
72 strive to achieve a continuous reduction of greenhouse gas
73 emissions over time.

74 5. Beginning in January 1, 2026, the department shall
75 annually report the following information to the general
76 assembly:

77 (1) For the 2026 report only, a description of the
78 method that the department used to develop the policy
79 requirements for each category of eligible materials;

80 (2) What the department has learned about how to
81 identify and quantify embodied carbon in building materials,
82 including life cycle costs; and

83 (3) Any obstacles the department as well as bidding
84 contractors have encountered in identifying and quantifying
85 embodied carbon in building materials.

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